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REMARKS

Claims 1-26 were presented for examination. The Office Action dated December 16, 2004 rejects claims 1-26. This paper amends claims 1, 2, 4, 5, 7, 8, 11-13, 15, 17, 18, 21, 25, and 26. Support for the amendments can be found in general throughout the specification and drawings and, in particular, on pages 15-18 (paragraphs 29-30) and in FIGs. 5A-5D. Claims 1-26 are now pending in the application.

Objection to Specification

The Office Action objects to the specification for a typographical error on page 6, line 6, indicating that "FIGs. 6A and 6D" should read "FIGs. 6A – 6D". Applicant has made the appropriate correction.

Rejection of Claims 1-4, 7-21 and 23-25 under 35 U.S.C. 102(b)

The Office Action rejects claims 1-4, 7-21 and 23-25 under 35 U.S.C. 102(b) as anticipated by Schramm (U.S. Patent No. 4,425,597). Applicant respectfully traverses the rejection, to the extent it is maintained against the claims as now amended, because Schramm does not disclose every element and limitation of the Applicants' invention as now claimed.

As now set forth in representative claim 1, the Applicant's invention has a locking element that restricts access to a restricted-access space defined within an enclosure. During one or more successive time intervals, each of predetermined duration, the number of trigger events. During a given time interval, the counted number of trigger events *can be greater than one*. In addition, the number of trigger events counted in each time interval is associated with

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one digit of a digit sequence representing a code being submitted to actuate the locking element and gain access to the restricted-access space.

In contrast, Schramm discloses an electronic combination lock that uses *binary* lock combinations. To unlock the combination lock, a user closes and opens a switch (10S) in a proper sequence to produce a binary code. During each time interval, Schramm latches the current state of the switch (10S) into a register. That current state can only be a one or a zero. For example, during four successive time intervals this switch (10S) produces four bits of ones and/or zeros corresponding to the open-closed sequence produced by the user. These bits are compared bit-by-bit to the mechanical settings of rocker switches in a minidip switch, which holds the preprogrammed code used to unlock the lock. Therefore, unlike the Applicant's invention, Schramm's electronic combination lock is not actually *counting* the number of trigger events during each time interval, but rather determining whether a certain switch (10S) is open or closed. Even if, for the sake of argument, Schramm can be said to be counting the number of trigger events, albeit if only zero or one – an argument with which the Applicant respectfully disagrees – Schramm *can never count greater than one* during any given time interval.

A limitation stemming from Schramm's system is the relatively small number of codes that can be represented, a problem even Schramm recognized (col. 8, lines 62-64). A four-bit code can provide only 16 possible lock combinations. Notably, Schramm's suggested solution is to add more registers and switches. However, each additional register increases the number of combinations by only a factor of two. In contrast, because digits in the Applicant's

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invention can have a value greater than one, a large number of unique lock combinations are possible with relatively few digits. For example, the Applicant's invention can provide 1000 different lock combinations with a four-digit code (e.g., when each digit represents a number from 0, 1, 2 ... 9), and each additional digit increases the number of lock combinations by a factor of 10.

Therefore, Applicant respectfully submits that Schramm does not disclose or suggest counting the number of trigger events during each time interval, wherein the number counted in a given time interval can be greater than one, as now set forth in the Applicant's claimed invention. Applicant respectfully submits that this rejection to the claims is thus overcome.

Independent claims 11 and 17 recite language similar to the language recited in claim 1. Therefore, these independent claims are also patentably distinguishable over Schramm for at least those reasons provided in connection with claim 1. In addition, dependent claims 2-4, 7-10, 12-16, 19-21, and 23-25 depend directly or indirectly from patentable independent claims 1, 11, and 17, and incorporate all of their respective limitations, and therefore are also patentably distinguishable over the cited references for at least those reasons provided in connection with those independent claims. Therefore, the Applicant respectfully submits that the rejection against these claims is also overcome.

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Rejection of Claims 5-6 and 26 under 35 U.S.C. 103(a)

The Office Action rejects claims 5-6 and 26 under 35 U.S.C. 103(a) as being obvious over Schramm and Anderson (U.S. Patent No. 5,021,776). Applicant respectfully traverses this rejection because these claims depend directly or indirectly from patentable independent claims 1 and 17, and incorporate all of the limitations of their respective independent claims and are therefore patentable for at least those reasons provided above in connection with claim 1. Moreover, the cited references, whether taken alone or in combination, do not teach or suggest counting a number of trigger events of the locking element during one or more successive time intervals, wherein the number of trigger events counted during a given time interval can be greater than one, as now set forth in the Applicants' claimed invention.

Furthermore, Anderson shows a keyless electronic combination lock that uses a keypad for entering combinations. This keypad has separate buttons for each decimal value 0 through 9. However, Anderson's keypad eliminates any need to *count trigger events of the locking element* during time intervals because the user can submit a code directly by pressing the appropriate buttons. Therefore, Anderson does not teach or suggest counting trigger events of the locking element at all, let alone counting trigger events in number greater than one during a given time interval. Because any hypothetical combination of Schramm and Anderson, therefore, cannot not teach or suggest the Applicant's claimed invention of counting a number of trigger events associated with the locking element during one or more successive time intervals, wherein the number of trigger events counted during a given time interval can be greater than one, Applicant's respectfully submit that this rejection to the claims is therefore overcome.

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Rejection of Claim 22 under 35 U.S.C. 103(a)

The Office Action rejects claim 22 under 35 U.S.C. 103(a) as being obvious over Schramm and Godau (U.S. Patent No. 5,781,125). Applicant respectfully traverses this rejection because claim 22 depends indirectly from patentable independent claim 17, and incorporates all of the limitations of this independent claim and is therefore patentable for at least those reasons provided above in connection with claim 17.

Moreover, Godau discloses an arrangement for a wireless exchange of data between a servicing device and a control unit in a motor vehicle that adds nothing to Schramm that teaches or suggests counting a number of trigger events associated with a locking element during one or more successive time intervals, wherein the number of trigger events counted during a given time interval can be greater than one, as now set forth in the Applicant's claimed invention. Therefore, Applicant submits that this rejection is overcome.

CONCLUSION

In view of the amendments and arguments made herein, Applicant submits that the application is in condition for allowance and requests early favorable action by the Examiner.


If the Examiner believes that a telephone conversation with the Applicant's representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-2003.

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Respectfully submitted,

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